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JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Christoph KURTH
Application No.: 10/516,872
Filing Date: December 2, 2004
Title: LINER
Art Unit: 3738
Examiner: SNOW, Mr. Bruce Edward
Customer No.: 28752
Docket No.: MERTE.Y3-17

**COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 19, 2006

Signature
Name


: KENROY A. BROWNE

Transmitted herewith:

1. Request for complete Office Action (2 pages);
2. Copy of Response filed November 7, 2005; and
3. Return Receipt Postcard.

Lackebach Siegel LLP

Date: May 19, 2006

Enclosures: (as listed)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Christoph KURTH
Application No.: 10/516,872
Filing Date: December 2, 2004
Title: LINER
Art Unit: 3738
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REQUEST FOR COMPLETE OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

May 19, 2006

Sir:

Applicants gratefully acknowledge the first Office Action dated May 11, 2006. It is respectfully submitted that the Office Action is incomplete because it does not consider the 2nd Preliminary Amendment and Substitute Specification filed on November 7, 2005. Applicants therefore request that the Office Action be corrected or supplemented to include consideration of the 2nd Preliminary Amendment (Substitute Specification and Claims)

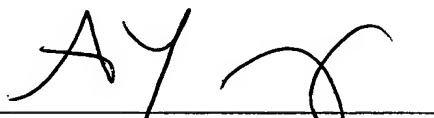
The first Office Action dated May 11, 2006 contained a rejection of claim 14 and provided guidance to amend the specification because of improper multiple dependencies in the German-English translation. However, the Preliminary Amendment provided a comprehensive Substitute Specification in proper format and provided a total of 17 (Claims 14-29 covering a range that must be examined). A copy of the Preliminary Amendment (and postcard receipt

showing the filing of the Preliminary Amendment and 2nd Substitute Specification on November 7, 2005) is attached to this request.

Applicants therefore respectfully submit that the first Office Action is incomplete for this reason and request that the Office Action be supplemented or corrected to address and examine claims 14-29 resulting from the 2nd Preliminary Amendment. Applicants also request that the time period for response be reset for filing a response to any such supplemental or corrected Office Action. MPEP 710.06.

While no fees are due with this filing, authorization to charge any fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 10-0100, and please credit any excess fees to such deposit account.

Respectfully Submitted,



Andrew F. Young, Reg. No. 44,001
LACKENBACH SIGEL LLP
One Chase Road
Scarsdale, NY 10583
Tel: (914) 723-4300
Fax: (914) 723-4301

Enclosures:

As noted.



PATENT

1

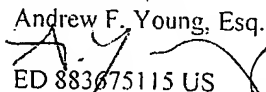
Y3-17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : KURTH, Christoph
Serial No. : 10/516,872
Filed : December 3, 2004
For : LINER
Examiner : Unassigned
Art Unit : Unassigned
Our ref. No. : Y3-17
Customer No. : 39648

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, in an envelope addressed to: Hon. Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on:

Date : November 7, 2005
By : Andrew F. Young, Esq.
Signature : 
Customer Receipt No.: ED 883675115 US

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS,
SUBSTITUTE SPECIFICATION, SECOND PRELIMINARY AMENDMENT,
AND ASSIGNMENT RECORDATION.**

Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a response to the Notification of Missing Requirements. The following items are enclosed:

1. Response to Notification of Missing Requirements - 2 pages this document.
2. Fee Transmittal PTO/SB/17 for \$965.00 (\$795 Extension Fee, \$130 English Document Fee, \$40.00 Assignment Recordation Fee).
3. Payment Form - PTO-2038 - Authorization a charge of \$965.00.
4. Assertion that Applicant is a Small Entity - This statement.
5. Declaration, Oath, and Power of Attorney - signed (3 pages).
6. Request for an Extension of Time - signed (1 page).
7. Letter Regarding Timeliness of Submission.
8. Complete Certified English Translation (5 pages) + Certificate of Translation (1 page).
9. Substitute Specification and Amendment to the Claims - 31 pages (signed)
10. Assignment Recordation Filing Sheet (1-page-executed)), Assignment

Recordation Form PTO- 1595 (1-page-executed), Assignment (2-pages - executed).

11. Authorization to charge deposit account 50-2920 for additional fees beyond those enclosed herewith with form PTO-2038.
12. Certificate of Express Mailing - above and throughout.
13. Confirmation Return Receipt Postcard.

Andrew F. Young, P.C.

115 Orchid St.

Floral Park, NY 11001

516-775-0068

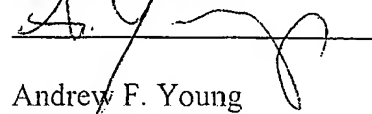
Date: November 7, 2005

Enclosures: (as listed)

Y3-17.Cover LTR to PTO - Sub Specification.wpd

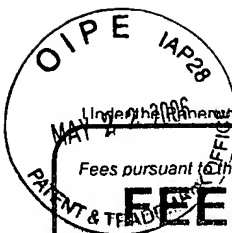
Respectfully submitted,

FOR THE FIRM



Andrew F. Young

Reg. No. 44,001



Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 965.00

Complete if Known

Application Number 10/516,872
Filing Date 12/3/05
First Named Inventor KURTH
Examiner Name unassigned
Art Unit unassigned
Attorney Docket No. Y3-17

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-2920 Deposit Account Name: Andrew F. Young, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
17 - 20 or HP = 0	x	=
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
3 - 3 or HP = 0	x	=
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x = Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 4-Month Extension Fee (\$795.00) + Assignment Recordation (\$40.00)

Fees Paid (\$)
130.00
835.00

SUBMITTED BY

Signature Registration No. 44,001 Telephone 516-775-0068
Name (Print/Type) Andrew F. Young, Esq. Date Nov. 7th, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,872	Christoph Kurth	Y3-17

INTERNATIONAL APPLICATION NO.

PCT/DE03/01835

I.A. FILING DATE

PRIORITY DATE

06/04/2003

06/04/2002

39648

ANDREW F. YOUNG, P.C.
 115 ORCHID STREET
 FLORAL PARK, NY 11001

CONFIRMATION NO. 2384

371 ACCEPTANCE LETTER



OC000000017771162

Date Mailed: 01/06/2006

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:


11/07/200511/07/2005

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and
 (c)(4) REQUIREMENTS

DATE OF COMPLETION OF ALL 35 U.S.C. 371
 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Indication of Small Entity Status
- Copy of the International Application filed on 12/03/2004
- English Translation of the IA filed on 11/07/2005
- Copy of the International Search Report filed on 12/03/2004
- Preliminary Amendments filed on 12/03/2004
- Information Disclosure Statements filed on 12/03/2004
- Oath or Declaration filed on 11/07/2005
- Request for Immediate Examination filed on 12/03/2004
- U.S. Basic National Fees filed on 12/03/2004
- Substitute Specification filed on 11/07/2005 
- Priority Documents filed on 12/03/2004

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)